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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,537	03/31/2004	Peter Michael Edie	140362-1/YOD GERD:0119	7415
7590 02/07/2006			EXAMINER SUCHECKI, KRISTYNA	
Patrick S. Yoder FLETCHER YODER P.O. Box 692289 Houston, TX 77269-2289			ART UNIT 2882	

DATE MAILED: 02/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/814,537

Applicant(s)

EDIE ET AL.

Examiner

Krystyna Suchecki

Art Unit

2882

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27, 31 and 32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27, 31 and 32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

Claims 10-13 are objected to because of the following informalities: "allowing" should be "causing".

Claim 19 is objected for containing an extraneous comma in line 8.

Claim 23 and 24 are objected to since there is insufficient antecedence for the stationary detectors.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 lacks sufficient structure to have both receiving and un-impeding detector structures. There is insufficient structure to create an unimpeded path. Claims 10-13 and 22 lack sufficient structures to perform the recited functions. An aperture structure, movement means and control means to open and close the aperture should be recited to lend sufficient structure to the claim. Claim 14 lacks sufficient structure to convey how a path of an X-ray beam is impeded. Claim 19 lacks a motor for a motor controller to control and also lacks a structural relationship to cause an impeded or unimpeded path. Claims 23 and 24 lack sufficient structure to convey how illumination is allowed to a desired portion of the imaging volume. Claims

23 and 24 is further indefinite because it is possible for a single detector to both receive radiation and to move to allow illumination through an imaging volume for reception. There is insufficient structure to convey how the single detector performs all of these functions. Claim 25 fails to distinctly claim the correct combination of detectors that remains stationary. Claim 25 contains a limitation that one or more detectors are displaced, yet are later included in a limitation for stationary detectors. Claims 2-9, 15-18, 20, 21, 26 and 27 are rejected by virtue of their dependency.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 31 is rejected under 35 U.S.C. 102(b) as being anticipated by Sohval (US 4,958,365).

Regarding Claim 31, Sohval teaches 31 a method of scanning a volume comprising: triggering a distributed X-ray source for emanating a radiation beam (Column 11, lines 3-22); and receiving a transmitted radiation beam via a X-ray detector (Column 11, lines 42-53), wherein the distributed X-ray source is displaceable transversely to allow illumination of a desired portion of an imaging volume and for the X-ray detector to receive the transmitted radiation beam. Sohval teaches this since the source is “displaceable” (Column 1, Lines 22-40). While Sohval attempts to lessen or

eliminate rotational motion, Sohval does not attempt to eliminate a customary transverse motion (Column 1, line 22- Column 3, line 37).

Claim 32 is rejected under 35 U.S.C. 102(b) as being anticipated by Vincent (US 5,195,112).

Regarding Claim 32, Figure 1 of Vincent teaches a method of scanning a volume to be imaged, the method comprising: triggering a distributed X-ray source for emanating a radiation beam (Column 8, lines 17-50 and Column 9, lines 60-62); and receiving a transmitted radiation beam via a X-ray detector (Column 8, lines 31-50), wherein the distributed X-ray source is nutated (Column 8, lines 48-50) to allow illumination of a desired portion of an imaging volume and for the X-ray detector to receive the transmitted radiation beam.

### ***Response to Arguments***

Applicant's arguments, see Response, filed 11/23/05, with respect to the rejection(s) of claim(s) 1-22 and 25-30 under Tschunt have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

Applicant's arguments with respect to the rejection(s) of claim(s) 23, 24, 31 and 32 under Bagby have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Sohval and Vincent as set forth above.

While Applicant urges a specific definition of a distributed radiation source, the specification supports several possibilities to satisfy the limitation.

### ***Conclusion***

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krystyna Suchecki whose telephone number is (571) 272-2495. The examiner can normally be reached on M-F, 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Glick can be reached on (571) 272-2490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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**EDWARD J. GLICK**  
**SUPERVISORY PATENT EXAMINER**